

**STATE PROCUREMENT OFFICE  
NOTICE OF REQUEST FOR EXEMPTION  
FROM HRS CHAPTER 103D**

16 OCT 24 P12:45

ADMINISTRATION  
STATE PROCUREMENT OFFICE  
STATE OF HAWAII

TO: Chief Procurement Officer

FROM: Department of Business, Economic Department &amp; Tourism

*Name of Requesting Department*

*Pursuant to HRS § 103D-102(b)(4) and HAR chapter 3-120, the Department requests a procurement exemption for the following:*

## 1. Describe the goods, services or construction:

Completion of the NEPA (National Environmental Policy Act) environmental assessment studies initiated in the spring of 2015 and required for an application to the Federal Aviation Administration Office of Commercial Space Transportation (FAA/AST) for a commercial Launch Site Operator's License (spaceport license) for the State of Hawaii as follows: spaceport planning, including an analysis of location change for the spaceport development area and related processing facilities (including an assessment of environmental consequences), coordination of agency and public involvement, documentation of findings, coordination of a public meeting to be held in Kailua Kona to present the findings of the commercial spaceport EA and receive feedback from the community, and preparation of a commercial spaceport license application to be provided to the Federal Aviation Administration (FAA) Office of Commercial Space Transportation (AST), along with the final environmental assessment for the spaceport study, to license the Kona International Airport as a spaceport to support the operation of commercial horizontal Reusable Launch Vehicles (RLV). The license application will follow the procedures outlined in 14 CFR Part 413 and be based on guidance provided in 14 CFR Part 420 "License to Operate a Launch Site."

## 2. Vendor/Contractor/Service Provider:

RS&amp;H, Inc.

## 3. Amount of Request:

\$ 94,610

4. Term of Contract: From: Executed date To: 12 Months  
of Notice to After

5. Prior SPO-007, Procurement Exemption (PE): PE15-050SK

~~PE17-10544~~ ~~SLK 11/10/2016~~

## 6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:

It is not practicable nor advantageous for DBEDT to procure by competitive means. RS&H, as contractor for Hawaii's Environmental Assessment and other feasibility analyses for space transportation infrastructure, has already compiled information and data in the evaluation of the site - developing a business case, providing a preliminary environmental analysis, and preparing NEPA documentation (including a risk analysis and an explosive site plan) that would be required to complete an application with the FAA. This contract would enable RS&H to complete its NEPA EA as outline in #1 above.

## 7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:

RS&H was initially selected as the contractor for evaluating space transportation infrastructure opportunities in Hawaii based upon its previous efforts to help successfully license horizontal spaceports similar to the proposed spaceport in Kona (specifically at Cecil Spaceport at Jacksonville, Florida, and Houston Spaceport at Ellington Airport in Texas) that utilize both existing airport infrastructures and operate over water, and is also the consultant currently preparing license applications for two additional spaceports that will utilize over-water operations (including the Huntsville Retry Site in Alabama and the Titusville Spaceport at Space Coast Regional Airport in Florida).

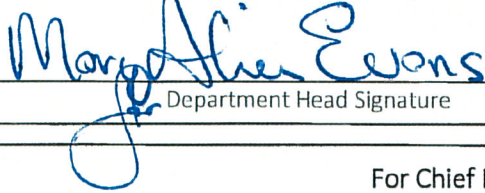
8. Identify the primary responsible staff person(s) conducting and managing this procurement. (Appropriate delegated procurement authority and completion of mandatory training required).

\*Point of contact (Place asterisk after name of person to contact for additional information).

Name	Division/Agency	Phone Number	e-mail address
W. Jeffrey Pang*	OAD	586-2399	jeffrey.pang@hawaii.gov

*All requirements/approvals and internal controls for this expenditure is the responsibility of the department.*

*I certify that the information provided above is, to the best of my knowledge, true and correct.*

  
Department Head Signature

10-20-16  
Date

For Chief Procurement Officer Use Only

Date Notice Posted: 10/26/2016

Inquiries about this request shall be directed to the contact named in No. 8. Submit written objection to this notice to issue an exempt contract within seven calendar days or as otherwise allowed from date notice posted to:

[state.procurement.office@hawaii.gov](mailto:state.procurement.office@hawaii.gov)

Chief Procurement Officer (CPO) Comments:

Approval is granted for the period from Notice to Proceed Date to 12 months after the Notice to Proceed Date, with the understanding that the department has determined that it is not practicable or advantageous for the Office of Aerospace Development to competitively procure the required services. Approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply (i.e. vendor is required to provide proof of compliance and may use the Hawaii Compliance Express) for all contracts awarded and award is required to be posted on the Awards Reporting System. Copies of the compliance verification and the award posting are required to be documented in the procurement/contract file.

If there are any questions, please contact Stacey Kauleinamoku at 586-0571, or [stacey.l.kauleinamoku@hawaii.gov](mailto:stacey.l.kauleinamoku@hawaii.gov).

☒ Approved

☐ Disapproved

☐ No Action Required

  
Chief Procurement Officer Signature

11/16/16  
Date